



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

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41549

Certified Mail No. Z 695 244 358  
Return Receipt Requested

August 28, 1997

Don Vanderkar  
Aerojet-General Corporation  
P.O. Box 13222  
Sacramento, California 95813-6000

Re: Substantiation of Confidentiality Claim

Dear Mr. Vanderkar:

The United States Environmental Protection Agency ("EPA") anticipates receiving requests under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for a document recently submitted on behalf of the Baldwin Park Operable Unit Steering Committee. The document is titled "Phase 1 Treatability Study Workplan, Perchlorate in Groundwater, Baldwin Park Operable Unit, San Gabriel Basin," and dated August 26, 1997. The Steering Committee has asserted a business confidentiality claim covering pages 8-10 this document.

In accordance with 40 C.F.R. § 2.204 of EPA's regulations, EPA is providing you with an opportunity to substantiate your confidentiality claim. Please submit substantiation of your claim of confidentiality to this office within fifteen (15) working days of receipt of this letter. Your response should address the following points enumerated in 40 C.F.R. § 204(e):

1. The portions of the specified pages, identified by page, paragraph and sentence, alleged to be entitled to confidential treatment;
2. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a certain event, or permanently);

3. Measures taken by you to guard against the undesired disclosure of the information to others;
4. The extent to which the information has been disclosed to others and the precautions taken in connection therewith;
5. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination;
6. Whether you assert that disclosure of this information would be likely to result in substantial harmful effects on your business's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects; and
7. Whether you assert that the information is voluntarily submitted information and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future. "Voluntarily submitted information" is defined in 40 C.F.R. § 2.201(i).

If EPA receives your response within fifteen (15) days of your receipt of this letter, EPA will review your claim together with your comments and make a determination pursuant to 40 C.F.R. § 2.205 on whether or not the information you have designated is entitled to confidential treatment. If EPA does not receive a response within fifteen (15) days of your receipt of this letter, EPA shall construe your failure to furnish timely comments as a waiver of your confidentiality claim.

Information which is submitted as part of your comments and response to this letter which pertains to your confidentiality claim and which is marked as confidential in accordance with 40 C.F.R. § 2.203(b) will be regarded by EPA as entitled to confidential treatment and will not be disclosed by EPA without your consent unless its disclosure is duly ordered by a Federal Court. See 40 C.F.R. § 2.205(c) for additional information.

Please direct all correspondence and any legal inquiries regarding the substantiation of your confidentiality claim and request for extensions of time to:

Lewis Maldonado  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Lewis Maldonado can be reached at (415) 744-1342.

Please direct all other inquiries, and the written substantiation itself to:

Wayne Praskins  
Project Manager  
U.S. Environmental Protection Agency  
75 Hawthorne Street (SFD-7)  
San Francisco, CA 94105

Wayne Praskins can be reached at (415) -744-2256.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Kemmerer", is written over a horizontal line.

John Kemmerer, Acting Chief  
Superfund Site Cleanup Branch

ted on the reverse side?

Is your RETURN A

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1. ☐ Addressee's Address
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Consult postmaster for fee.

**3. Article Addressed to:**

Don Vanderkar  
Aerojet-General Corporation  
P.O. Box 13222  
Sacramento, California 95813

**4a. Article Number**

Z 695 244 358

**4b. Service Type**

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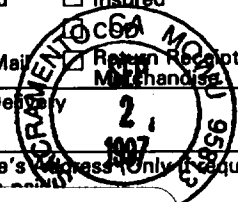
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